

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Senate Bill 395 be amended to read as follows:

- 1 Page 1, line 8, after "by a" begin a new line block indented and insert:
- 2 (A).
- 3 Page 1, line 8, after "school" insert ";".
- 4 Page 1, line 8, after "or" begin a new line block indented and insert:
- 5 "(B)"
- 6 Page 1, line 9, after "dealer" insert "**that meets standards that are**
- 7 **equivalent to or more stringent than those established by the**
- 8 **Motorcycle Safety Foundation for a course of instruction in**
- 9 **motorcycle safety and education; "**
- 10 Page 1, delete lines 10 through 17.
- 11 Delete pages 2 through 6.
- 12 Page 1, after line 9 , begin a new paragraph and insert:
- 13 SECTION 2. IC 9-24-8-4 IS AMENDED TO READ AS FOLLOWS
- 14 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Except as provided in
- 15 subsections (c) and (d), the bureau shall:
- 16 (1) issue a motorcycle operator's license; or
- 17 (2) validate an operator's, a chauffeur's, or a public passenger
- 18 chauffeur's license for motorcycle operation upon a highway by
- 19 endorsement;
- 20 to a person who meets the conditions in subsection (b).
- 21 (b) A person must meet at least one (1) of the following conditions
- 22 to obtain a license or validation under subsection (a):
- 23 (1) Satisfactorily complete an approved motorcycle driver

1 education and training course, **receive a waiver from the**
2 **operational skills test as set forth in subdivision (e)**, and
3 pass the written test required by this section.

4 (2) Satisfactorily complete the written test, hold a motorcycle
5 learner's permit for at least thirty (30) days, and satisfactorily
6 complete the operational test.

7 (3) Hold a current motorcycle operator endorsement or license
8 from any other jurisdiction and successfully complete the written
9 test.

10 (c) The bureau may not issue a motorcycle operator's license to an
11 individual less than sixteen (16) years and thirty (30) days of age.

12 (d) If an applicant for a motorcycle license or license endorsement
13 is less than eighteen (18) years of age, the bureau may not issue a
14 license or validate a license described in subsection (a)(2) if the
15 applicant is ineligible under IC 9-24-2-1.

16 (e) The bureau shall develop and implement both a written test and
17 an operational skills test that must be designed to determine whether an
18 applicant for a motorcycle operator's license or endorsement is
19 competent to operate a motorcycle upon a highway. **The bureau shall**
20 **adopt rules under IC 4-22-2 to establish a waiver procedure from**
21 **the operational skills test for a graduate of an approved**
22 **motorcycle driver education and training course. The waiver**
23 **procedure must authorize the instructor or owner of the**
24 **dealership offering the approved motorcycle driver education and**
25 **training course to certify the competency of the graduate to**
26 **operate a motorcycle.** The written test must be made available at
27 license branch locations approved by the bureau. The operational skills
28 test must be given at locations designated by the bureau. ~~The operational~~
29 ~~skills test must be given~~ by a certified motorcycle operational examiner.
30 An individual applying for a motorcycle operator's license or
31 endorsement must pass the operational skills test **or receive a waiver**
32 **from the bureau** before taking the written exam. If an applicant fails
33 to satisfactorily complete either the written or operational tests, the
34 applicant may reapply for and must be offered the examination upon the
35 same terms and conditions as applicants may reapply for and be offered
36 examinations for an operator's license. The bureau shall publish and
37 make available at all locations where an individual may apply for an
38 operator's license information concerning motorcycle operator licensing
39 or endorsement.

40 (f) An individual who:

41 (1) has held a motorcycle learner's permit for at least two (2)
42 months; or

43 (2) holds a temporary motorcycle learner's permit, has
44 successfully completed an approved motorcycle driver education
45 and training course, and possesses a valid operator's, chauffeur's,
46 or public passenger chauffeur's license;

47 may apply for a motorcycle operator's license endorsement not later
48 than the expiration date of the holder's permit. However, not more than
49 three (3) examinations may be allowed a holder during the period the
50 permit is valid. A holder of a learner's permit or a temporary learner's

1 permit who does not pass the written and operating skills examination
 2 during the period for which the permit is valid must obtain a new
 3 learner's permit.

4 SECTION 3. IC 9-29-9-12 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The fee for
 6 a motorcycle operational skills test administered under IC 9-24-8 is five
 7 dollars (\$5).

8 (b) The fees collected for motorcycle operational skills tests shall
 9 be distributed as follows:

10 (1) For tests given by state employees, to the motor vehicle
 11 highway account under IC 8-14-1.

12 (2) For tests given by a certified motorcycle operational examiner
 13 who is not a state employee, to the examiner.

14 **(c) There is no fee for the waiver procedure from the**
 15 **motorcycle operational skills test under IC 9-24-8-4.**

16 SECTION 4. IC 20-10.1-7-14 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) As used in
 18 this section:

19 "Certified chief instructor" means a licensed motorcycle operator
 20 who meets standards established by the department that are equivalent
 21 to or more stringent than those established by the Motorcycle Safety
 22 Foundation for instructors in motorcycle safety and education.

23 **"Dealer" has the meaning set forth in IC 9-13-2-42.**

24 "Department" refers to the department of education.

25 "Director" refers to the superintendent of the department of public
 26 instruction.

27 "Fund" refers to the motorcycle operator safety education fund
 28 created under subsection (f).

29 "Program" means the motorcycle operator safety education
 30 program.

31 "Program coordinator" refers to the coordinator of the motorcycle
 32 operator safety education program.

33 "Training course" means an approved motorcycle rider education
 34 course that meets standards established by the department that are
 35 equivalent to or more stringent than those established by the Motorcycle
 36 Safety Foundation for courses of instruction in motorcycle safety and
 37 education.

38 "Training specialist" means the training specialist of the motorcycle
 39 operator safety education program.

40 (b) The department shall develop and administer a program that, as
 41 a minimum, must:

42 (1) provide motorcycle rider education;

43 (2) provide instructor training;

44 (3) increase public awareness of motorcycle safety; and

45 (4) evaluate and recommend improvements to the motorcycle
 46 rider licensing system.

47 (c) The director shall appoint:

48 (1) a program coordinator who shall administer the program and
 49 conduct an annual evaluation; and

(2) a training specialist who shall:

(A) establish training courses throughout the state;

(B) set program and funding guidelines; and

(C) supervise instructors and other personnel as necessary.

The training specialist must be a certified chief instructor and hold a valid license to operate a motorcycle.

(d) The department may enter into contracts with regional training centers or any other sites approved by the director, **which may include a motorcycle dealer**, for the conduct of motorcycle operator safety education courses. If necessary, course sites may charge a reasonable tuition fee for the courses.

(e) The director shall appoint a five (5) member advisory committee consisting of at least three (3) active motorcyclists to serve in an advisory capacity to the program.

(f) The motorcycle operator safety education fund is established. The fund consists of money received from motorcycle registrations as provided under IC 9-29. The money in the fund is appropriated to the department for the administration of the program and expenses related to the program, including:

(1) reimbursement for course sites;

(2) instructor training;

(3) purchase of equipment and course materials; and

(4) technical assistance.

SECTION 5. [EFFECTIVE UPON PASSAGE] **(a) Notwithstanding IC 9-24-8-4, as amended by this act, the bureau of motor vehicles shall carry out the duties imposed on it under IC 9-24-8-4, as amended by this act, under interim written guidelines approved by the commissioner of motor vehicles.**

(b) This SECTION expires the earlier of the following:

(1) The date rules are adopted under IC 9-24-8-4, as amended by this act.

(2) December 31, 2005.

SECTION 6. **An emergency is declared for this act.**

Renumber all SECTIONS consecutively.

(Reference is to SB 395 as printed February 13, 2004.)

Representative WOLKINS